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FILED  
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RICHARD R. WIEKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Shirley V. Remmert;  
Eva D. Al-Zaghari,  
Plaintiffs,

v.

PLAINTIFFS' MOTION AND NOTICE OF  
MOTION FOR PRELIMINARY INJUNCTION  
AGAINST PROBATE COURT ORDERS AND  
FAMILY COURT ORDER; REINSTATEMENT  
OF JUVENILE COURT ORDER  
RE PETITION FOR WRIT OF HABEAS CORPUS

MEMORANDUM/ DECLARATION/

James P. Fox,  
District Attorney  
Of San Mateo County;

SUPERIOR COURT CASES NO. 108876 LPS,  
114069, F055586, 65841

ATTACHED:  
REQUEST FOR HEARING/ PROPOSED  
ORDERS

Jerry Brown,  
Attorney General  
Of the State of California,  
Respondents

U. S. DISTRICT COURT CASES:  
C-08-1644 CRB  
C-08-1645 CRB

*Real Parties in Interest:*  
1) Hon. Rosemary Pfeiffer;  
2) Hon. John L. Grandaert,  
3) Hon. George A. Miram,  
4) Hon. Joseph C. Scott,  
5) Marcelle Moon,  
Supervising Deputy Public Guardian;  
6) Hisham M. Al-Zaghari;  
7) State of California;  
8) United States

HON. CHARLES R. BREYER

1. I, Shirley V. Remmert, am the plaintiff; Eva D. Al-Zaghari, my adult daughter, is

1 a nominal plaintiff. The respondents are San Mateo County, Charles P. Fox, District  
2 Attorney; Hon. Rosemary Pfeiffer, Probate Court judge, Hon. John L. Grandsaert, Probate  
3 Court judge; Hon. Joseph C. Scott, Family Court judge; Marcelle Moon, Supervising  
4 Deputy Public Guardian/ LPS; Hisham M. Al-Zaghari; the State of California; the United  
5 States.

6 2. I sued Defendant Charles P. Fox for wrongful prosecution of my helping my  
7 daughter escape from an insane asylum called Cordilleras Mental Health Center and  
8 another county subsidized center, where she was being abused.

9 3. I allege in my petition for writ of habeas corpus that Defendant District Attorney  
10 holds me in wrongful custody through a probation order and previously had me jailed  
11 and tried, while ignoring evidence that my daughter's capacity (subject of the crime as  
12 basis for probation) was defamed by county employees in order to cover up their crimes  
13 against us.

14 17 Request for Relief

15 18 We, the plaintiffs Shirley V. Remmert and Eva D. Al-Zaghari, move for a  
16 preliminary injunction against continuance of Probate Court orders, a Family Court order,  
17 and San Mateo County's alleged false imprisonment that violate our civil rights and are  
18 causing irreparable injury. We also request reinstatement of a Juvenile court order and a  
19 federal court order mandating that Eva Al-Z.'s and Hisham Al-Zaghari's son must remain  
20 in the local San Francisco Bay Area of the United States. We request the above because  
21 the actions of the local, state, and national government against us are inhumane and  
22 criminal.

## Grounds for Motion

The grounds for this motion are the fact that the defendants have abused their power against us in violation of federal statutes; namely the American Disability Act, 42 U.S.C. sec. 1983 (Violation of Civil Rights under Color of Law), and criminal codes.

### Standing to Sue or Plead

My standing to complain about my daughter's plight arises from 1) tort law's remedy for the county's intentional infliction of emotional distress upon me as her mother and 2) my right as a citizen to complain about criminal acts.

## Basis of Motion

The motion is based on the pleadings and papers on file in this action, the attached memorandum of points and authorities, and evidence.

Please take notice that I, Shirley Remmert, will bring this motion for hearing before this court on \_\_\_\_\_ at \_\_\_\_\_ a.m./ p.m. in the above court at 450 Golden Gate Avenue, San Francisco, CA 94102.

## MEMORANDUM OF POINTS AND AUTHORITIES

## A. Introduction

My daughter, Eva Al-Zaghari, thirty-three years old, has been locked up by San Mateo County since March 27, 2005. She was conserved for the first time in her life since June 7, 2005 (Case No. 108876 LPS). She has been treated for various illnesses such as paranoid schizophrenia under the LPS Act, diabetes, suicide tendency, and drug

1 abuse. She is routinely medicated by force, drugged with mind-altering drugs, and  
2 examined unnecessarily for the purpose of causing pain. Yet she has never had a hearing  
3 to determine if any of the said various illnesses existed at the time of the lock-up and  
4 investigation for conservatorship. Her diabetes occurred or resurfaced after the shock of  
5 removal from her home with me and after institutionalization. She was frequently ill  
6 after county employees forcibly medicated her with mind-altering drugs for at least two  
7 years straight. The false imprisonment is causing her sharp decline in health since she  
8 was forced to leave her home with me.

9  
10 The county also secured a restraining order on July 11, 2005 from the Probate  
11 Court prohibiting my contact with her (Case No. 114069), because I helped her leave an  
12 insane asylum called Cordilleras Mental Health Center (subject of my petition for writ of  
13 habeas corpus).

14  
15 The county through Deputy Public Guardian Marcelle Moon then went to the  
16 Family Court in September, 2005 and arranged to permanently stop Eva Al-Z.'s and my  
17 contact with her son, now eight years old.

18  
19 B. Argument

20  
21 1. We, the plaintiffs, seek to enjoin defendants, their agents, and representatives  
22 during the pendency of my petition for writ of habeas corpus from interfering with the  
23 law-abiding life that we pursued before Eva Al-Z. was kidnapped from her home by  
24 county employees on March 26, 2005. The kidnapping and abuses infringe on our civil  
25 liberties.

1       2.       Inhumane Conditions Endured by Plaintiffs  
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4  
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To be defended by possibly corrupt private defenders, to not be allowed to see one's child for three years under an order intended to be permanent, to be subjected to pain every day has been difficult for my daughter and me to fathom. No felon or person on death row is denied the opportunity to speak to his child or is mistreated without cause and without a hearing.

9       Irreparable Harm  
10  
1112       a.       Imminent harm to Plaintiffs  
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14

As proof of imminent harm, I need only show that assault and battery through forcible medication, and intimidation are routinely practiced on my daughter in violation of the American Disability Act. The psychiatrists and psychologists responsible for these heinous acts of terrorism are armed with the license to forcibly drug their personal enemies and are dangerous.

15       b.       Irreparable Injury to Plaintiffs  
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17

Their weapon of choice in violation of the RICO Act are drugs that cause psychosis. It should not surprise anyone that my daughter complains of great pain.

**Exhibit A** in our application for a TRO shows to what great length county employees go in order to sabotage my daughter's participation in any legal process. She is given a heavier dose of drugs, so that she will become grotesquely disabled physically and mentally. Irreparable injury may have already occurred and will get worse.

28       c.       No Adequate Remedy at Law  
29  
30

As our private defenders have ignored our evidence, the county has had a free pass

1 in violating our rights through the suppression of evidence, defamation and other forms of  
2 judicial abuse. If the court does not grant a preliminary injunction, some of the  
3 defendants or respondents will carry out the original plan begun in May, 1990 by Muslim  
4 terrorists and corrupt psychiatrists. That plan is to murder my daughter.

5 **3. Substantial Likelihood of Success**

6 Because my daughter never had a hearing to show proof of the need for treatment  
7 under the LPS Act; has never had a hearing proving drug abuse, suicidal ideation, nor a  
8 hearing for the need for forcible medication, and because law enforcement agencies and  
9 paramedics saw no cause for detention at the time that the county locked her up for its  
10 own private investigation for a permanent conservatorship, no court should allow us to  
11 continue this suffering. After these many years of still no proof of cause for even an hour  
12 of detention, the court should not fail to rescue my daughter from imminent harm.

13 **4. Balance of Hardship**

14 The necessity of escaping from the catastrophic injury to our humanity is not  
15 different from the conditions of slavery in this country before Emancipation. Defendants  
16 will not suffer undue hardship or loss as a result of the issuance of a preliminary  
17 injunction

18 **5. Effect on Public Interest**

19 The public would not be adversely affected by my daughter's release from harm  
20 and by our family right to associate with one another. Public interest will be served by  
21 consumers' awareness of bogus mental health care.

1 6. **Request for Hearing**

2 We, the plaintiffs, ask the court to set our request for preliminary injunction for  
3 hearing at the earliest possible time (allowing time for subpoenas).

4 7. **Request for Permanent Injunction: Ultimate Goal**

5 Plaintiffs ask the court to set our application for injunctive relief for a full trial on  
6 the issues in this application and after the trial for a preliminary injunction, to issue a  
7 permanent injunction against defendants.

8 10 C. Conclusion

9 11 Because of the violation of our civil rights and criminal misconduct, we, the  
12 plaintiffs, ask the court to grant for the time being a preliminary injunction against  
13 defendants.

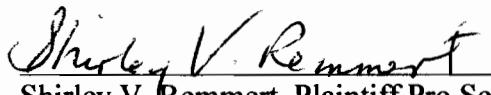
14 15 DECLARATION

16 17 I, Plaintiff Shirley V. Remmert, declare as follows:

18 19 I am knowledgeable as to the facts herein and can competently testify as to those  
20 21 matters, as I have personal experience in the matters. I declare that the above statements  
22 23 are true and correct under the penalties for perjury of the federal laws.

24 25 DATE: *April 15, 2008*

26 27 Respectfully Submitted By:

28 29   
30 Shirley V. Remmert, Plaintiff Pro Se

*Request for Hearing*

1 1420

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3 990 Berkeley Avenue  
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7  
8  
9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 Shirley V. Remmert,  
13 Eva D. Al-Zaghari,  
14 Plaintiffs,

PLAINTIFFS' REQUEST FOR  
HEARING RE MOTION FOR  
PRELIMINARY INJUNCTION

15 v.

RE PETITION FOR WRIT OF HABEAS  
CORPUS

16 James P. Fox,  
17 District Attorney of  
18 San Mateo County et al.,  
19 Defendants

CASE NO. C-08-1644 CRB;  
C-08-1645 CRB

HON. CHARLES R. BREYER

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28 Federal Rule of Civil Procedure 43(e) permit's the court's granting a hearing, so  
that we can present evidence on this motion.

We therefore ask the court to set this motion for hearing to present evidence.

DATE: *April 15, 2008*

Respectfully Submitted,

*Shirley V. Remmert*  
Plaintiff

Proposed Order  
Granting Hearing Date

Proposed Order  
Granting Prelim. Inj

1420

SHIRLEY V. REMMERT, IN PRO PER  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Shirley V. Remmert,  
Eva D. Al-Zaghari,  
Plaintiffs,

[PROPOSED] ORDER GRANTING  
PLAINTIFF'S REQUEST FOR HEARING  
ON MOTION FOR PRELIMINARY  
INJUNCTION

CASE NO. C-08-1644 CRB  
C-08-1645 CRB

James P. Fox,  
District Attorney of  
San Mateo County et al.,  
Defendants

After considering plaintiffs' request for a hearing on their motion for a preliminary injunction, the Court GRANTS the plaintiffs' request for hearing and sets the motion for preliminary injunction for hearing on \_\_\_\_\_, 2008 at \_\_\_\_\_ a.m./ p.m.

SIGNED on \_\_\_\_\_

**U. S. DISTRICT JUDGE**

1 SHIRLEY V. REMMERT, PRO SE  
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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

7 Shirley V. Remmert;  
8 Eva D. Al-Zaghari,  
Plaintiffs,

[PROPOSED] ORDER  
GRANTING PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

9 v.

10 CASE NO.: C-08-1644 CRB  
C-08-1645 CRB

11 James P. Fox,  
12 District Attorney  
13 Of San Mateo County;

14 Jerry Brown,  
15 Attorney General  
16 Of the State of California,  
17 Respondents

18 *Real Parties in Interest:*

- 19 1) Hon. Rosemary Pfeiffer,  
2) Hon. John L. Grandaert,  
20 Judges of the Probate Court;  
3) Hon. Joseph C. Scott,  
Judge of the Family Court;  
4) Marcelle Moon,  
Supervising Deputy Public Guardian;  
5) Hisham M. Al-Zaghari;  
6) State of California;  
7) United States

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26  
27 After considering Plaintiff Shirley V. Remmert's motion for preliminary  
28 injunction, the response, affidavits, exhibits, and testimony, the court FINDS as follows:

1  
2 1. Defendants will continue to engage in activities infringing plaintiff's civil rights,  
3 if the court does not grant a preliminary injunction.

4 2. Under the Best Evidence rule, plaintiff has: First, demonstrated that paramedics  
5 on March 26, 2005 at the time that the permanent detention of Eva Al-Zaghari took place,  
6 concluded that she does not qualify as a patient under Welfare and Institutions Code sec.  
7 5150 thereby contradicting government employees.

8 Second, the government psychiatrist Dr. Mary Margaret Flynn, M.D.  
9 recommending that Eva Al-Z. be conserved on March 27, 2005 had recently stated four  
10 months earlier on November 18, 2004 that Eva Al-Z. does not meet the legal criteria for a  
11 conservatorship.

12 Third, evidence shows that there were no law enforcement reports of any 5150  
13 incident (written at the time of the incident) between November 18, 2004 and March 27,  
14 2005 when she began to detain and forcibly drug Eva Al-Z.

15 3. If the court does not enjoin defendants from enforcement of orders in Cases No.  
16 108876 LPS, 114069, and F055586, the defendants will suffer irreparable injury.

17 4. The injury is irreparable because a) there was no cause for chemical treatment of  
18 Eva Al-Zaghari; b) because prolonged isolation from her mother, her son, and others is  
19 irreparable and c) The plaintiffs cannot exercise their First Amendment right to join in  
20 litigation.

21 5. Defendants will not suffer undue hardship or loss as a result of the issuance of a  
22 preliminary injunction.

I

## Probate and Family Court Orders

For these reasons, the court ORDERS that defendants, their officers, agents, servants, employees, attorneys, and all persons acting in concert with them be restrained from enforcing all orders in Cases No. 108876 LPS and 114069.

The court also ORDERS that the Family court orders in Case No. F055586 are enjoined with the exceptions explained below (See Part III).

Upon signing of the order, Shirley Remmert will be given the address and telephone number of Eva Al-Zaghari, will be allowed to speak to Ms. Al-Zaghari by telephone or in person, and will be allowed to pick her up immediately. The plaintiffs will be given all civil rights accorded citizens of the United States and will not be monitored or followed by health care workers unless they request such treatment.

III

## **Juvenile Court Order of 1999**

The court FINDS that there has never been a state court ruling that Eva Al-Zaghari was incompetent from the time that the court exercised jurisdiction of the Family custody matter from 1999 until she was conservated by the Probate Court on June 7, 2005 at the age of thirty. Although the U.S. District Court in Chicago, Illinois, declared her as incompetent on March 22, 2002, the court found her restored to competency on November 22, 2002.

Because of facial evidence of due process violations in San Mateo County's securing of the conservatorship order in 2005, this court considers the conservatorship

1 order based on incompetence to be voidable and will enjoin the Family Court prohibition  
2 based on the conservatorship order, against Eva Al-Zaghari's and Shirley Remmert's  
3 contact with Eva Al-Zaghari's son (Case No. F055586, Minute Order of September 13,  
4 2005.

5 The court also issues the following ORDERS that will rectify the many-layered  
6 wrongs since 1999:

7 The Juvenile Court order of June 2, 1999 (Case No. 65841) dismissing the  
8 dependency case against Eva D. Al-Zaghari and granting joint physical custody to her  
9 will now be enforced.

10 Conditions in the order limiting such custody may be modified by the parties by a  
11 stipulation filed with the court.

12 In essence, joint physical custody means fifty percent joint physical custody for  
13 the mother and fifty percent joint physical custody for the father. Any variance in that  
14 rule may occur by a stipulation between parents filed with the court.

15 The father's "Primary responsibility for the planning and care for the child" may  
16 not rule out under any circumstances contact between the child and the mother or  
17 grandmother; Eva Al-Zaghari and Shirley Remmert, respectively. Under the balance of  
18 hardship doctrine, the burden is on the father to carry out the mandate of the said order at  
19 this time by making as the best interest of the child, the reunification between the mother  
20 and the child feasible. The parents may stipulate on any part of the Juvenile Court order.  
21 They may also litigate in any court in the State of California for denied rights irrespective  
22 of vexatious litigant orders, conservatorship (incompetency), and restraining orders

against their litigation in Family Court.

III

**Continued Rulings of Case No. F055586**

A. Shirley Remmert will continue her standing as a party in the family litigation.

## B. Continued Ban on Removal of Minor from Local Area

Eva Al-Z.'s minor son, Ali Al-Zaghari, may not be removed from the United States nor from the local San Francisco Bay Area without the written, notarized consent of both parents and without a court order.

IV

**Decisions in Case No. CIV 438208**

The tentative decision or any entry of judgment trial proceedings in favor of Delfin Venoya, the plaintiff in that case, is enjoined as it will affect the plaintiffs' right to a pre-trial, joined discovery, and a full defense.

V

## Continued SSI Payments

Eva Al-Zaghari will directly receive the monthly Social Security Disability payments that were paid to San Mateo County on her behalf. The county is ORDERED to ensure the transfer of payments to her without lapse.

VI

### Duration of this Order

The above Probate, Family, Juvenile Court, and Part V matters will be in effect

1 upon the signing of this order and will last during the pendency of the plaintiffs' petitions  
2 for writ of habeas corpus and during any suits and appeals involving the above parties in  
3 state and federal court or pending further court orders.  
4

5 **VII**  
6

7 **Summary: Restoration of Civil Rights**

8 This order restores any of Eva Al-Zaghari's civil rights which she possessed  
9 before her detention on March 26, 2005. Except for the restrictions of the probation  
10 order, all civil rights enjoyed by Shirley Remmert before the restraining order of Case No.  
11 114069, July 11, 2005 are restored.  
12

13 **IT IS SO ORDERED.**  
14

15  
16 SIGNED on \_\_\_\_\_, 2008, at a.m./p.m.  
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18 \_\_\_\_\_  
19 **U. S. DISTRICT COURT JUDGE**  
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